



Given the Court's interpretation of Plaintiffs' Complaint, Defendants now file three new administrative records with the Court for agency actions or alleged inactions that occurred after the Complaint was filed but that the Court has determined are challenged in the Complaint.

These new certified administrative records are as follows:

- An administrative record for the Bureau of Land Management's (BLM's) April 21, 2021, decision not to hold second-quarter 2021 lease sales. This record bears Bates stamps BLM-Q2000001 to BLM-Q2000484. This record is certified by the attached Declaration of Merry Gamper.
- An administrative record for BLM's alleged failure to act in the third- and fourth-quarters of 2021 with respect to holding lease sales in those quarters. This record bears Bates stamps BLM-Q3000001 to BLM-Q3003540. This record is certified by the attached Declaration of Merry Gamper.
- An administrative record for the Bureau of Ocean Energy Management's (BOEM's) alleged failure to act in 2021 with respect to sales proposed under the current five-year program. This record bears Bates stamps BOEM-II0001 to BOEM-II0449. This record is certified by the attached Declarations of Cara Lee MacDonald and Walter Cruikshank.

In addition to requiring Defendants to file the foregoing new records with the Court, the Court's Record Order also directed Defendants to complete the two existing records to include any documents and materials from the White House or environmental groups that were considered, directly or indirectly, in reaching the agency decisions to which those records correspond. The Department of the Interior conducted an additional search and did not locate any such documents or materials within the scope of these existing records. In conducting that

search, however, Defendants located 20 additional documents of other types that were considered by the agency in reaching the challenged onshore decisions that occurred before the Complaint was filed. Accordingly, Defendants are filing a completed administrative record for those onshore decisions. The completed administrative record bears Bates stamps BLM\_I000001 to BLM\_I003186; the new documents bear Bates stamps BLM\_I002705 to BLM\_I003186. This completed record is certified by the attached Declaration of Merry Gamper.

Finally, Defendants are filing an amended administrative record for the BOEM decisions that occurred before the Complaint was filed. After further review, Defendants realized that the BOEM record previously lodged with the Court contained post-decisional documents at BOEM00147–74. Additionally, two documents bearing that were previously disclosed to Plaintiffs as bearing Bates stamps BOEM00213 to BOEM00217 have been added to the record. Because post-decisional documents are outside the scope of an administrative record, these documents have been removed in the amended record. The amended record bears Bates Stamps BOEM00001 to BOEM00146 and BOEM00175 to BOEM00217, and is certified by the attached declaration of Walter Cruikshank.

Additionally, certain documents have been withheld from the new records on basis of asserted privileges, which are identified in privilege logs. The onshore privilege log is enclosed with this filing, and pursuant to agreement with counsel for Plaintiffs, the offshore privilege log will be exchanged on Monday, February 7, 2022. The accompanying Declaration of Laura Daniel-Davis also invokes the deliberative process privilege for some of these records.

The foregoing administrative records and privilege logs are based on searches that Interior conducted in preparing the two original administrative records as well as searches

conducted in December 2021 and January 2022 to comply with the Court's Record Order. However, an additional collection of documents was obtained on February 4, 2022. The February 4, 2022 collection of documents must still be reviewed for responsiveness and privilege. Defendants are working to complete that review as soon as possible. Should responsive documents be identified within that February 4, 2022 collection of documents, Defendants will further supplement the records and privilege logs as appropriate.

Finally, Defendants include the Declaration of Susan Lee, which explains the significant steps that BLM took from May 2020 to October 2021 to prepare the 2020 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate, which has been used to support lease sales in the first quarter of 2022.

Respectfully Submitted, this 4th Day of February, 2022.

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 4, 2022, I caused the foregoing hard copy materials to be delivered to a mail service for standard overnight delivery to counsel for Plaintiffs.

/s/ Michael S. Sawyer  
Michael S. Sawyer